

165-4

Docket Number	PH-7148
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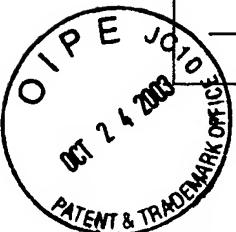
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10/22/2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Priestley

APPLICATION NO: 10/039,317

EXAMINER: Maury Audet

FILED: 10/23/2001

ART UNIT: 1654

FOR: Peptide Inhibitors of Hepatitis C Virus NS3 Protease

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Provisional election and request for reconsideration under 37 CFR 1.143

We received the Office Action related to application 10/039,317 dated October 3, 2003 and setting a one month shortened statutory response period ending November 3, 2003. In response to this Office Action, the applicants submit the following remarks and respectfully request reconsideration of the restriction requirement.

Restriction requirement under 35 USC 121

The examiner required restriction between compound and composition claims 1-13 (group I) and method of use claims 14-15 (group II).

In response to the examiner's restriction requirement, the applicants provisionally elect group I with traverse. As the method of use claims are drawn specifically from the compound claims, any search for one set of claims is, or is nearly, coextensive with the other. It would not be a serious burden for the examiner to note methods of use in any search for compounds or compositions. And any search for methods of use would necessarily have to search the scope of compounds claimed. Either way, there is little that causes a serious burden for the examiner.

In response to the examiner's requirement to elect a species, the applicants provisionally elect the compound of example 34: (2-pyrazinecarbonyl)-Val-Val-Hyp(OBzl)-(1R)-1-amino-3-(4-trifluoromethyl)phenylpropylboronic acid (+)-pinanediol ester.

The applicants respectfully request reconsideration of the restriction requirement under 37 CFR 1.143.

If any issues remain regarding the election of inventions, the examiner is respectfully invited to contact the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail (james.epperson@bms.com).

Respectfully yours,



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